

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

ADVANTIX DIGITAL, LLC, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            ) Case No.: \_\_\_\_\_  
                                )  
OURISMAN CHEVROLET CO., INC., )  
                                )  
Defendant.                 )

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**NOTICE OF REMOVAL**

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Defendant Ourisman Chevrolet Co., Inc. (“Defendant” or “Ourisman”) files this Notice removing this matter to the United States District Court for the Northern District of Texas in accordance with 28 U.S.C. §§ 1332, 1441, and 1446. Defendant shows the Court the following:

**I. Background**

1. Plaintiff Advantix Digital, LLC (“Plaintiff”) commenced this action in the District Court of Dallas County, Texas, naming Ourisman as Defendant. The Original Petition was served upon Defendant by the Texas Secretary of State on May 18, 2018. All papers served on Defendant are attached as **Exhibit A**.

2. Plaintiff’s Petition seeks a declaratory judgment that it is not responsible for certain pay per click advertising provided by Defendant to Plaintiff, and also seeks damages in an amount not less than \$200,000.00.

3. The action Plaintiff filed in the Texas state court is one over which this Court has original jurisdiction under 28 U.S.C. § 1332, and, therefore, may be removed under 28 U.S.C. § 1441(a).

**II. This notice of removal is timely and properly filed.**

4. This lawsuit is a civil action within the meaning of the Acts of Congress relating to the removal of cases.

5. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b) because it is filed within thirty (30) days of the receipt of the Summons and Petition by Defendant.

6. In accordance with 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders served on Defendant are attached as **Exhibit A** and made a part of this Notice as if fully set forth herein.

7. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the Clerk of the District Court of Dallas County, Texas. A copy of the state court notice (without attachments) is attached as **Exhibit B**.

8. In accordance with 28 U.S.C. § 1446(d), written notice of this Notice of Removal is being served on counsel for Plaintiff and is attached as **Exhibit C**.

**III. Plaintiff's citizenship is different from Defendant's citizenship.**

9. Plaintiff is a limited liability company organized under the laws of the state of Texas, with its principal office in Dallas County, Texas. (Ex. A, Petition ¶ 6).

10. Defendant is not now, and was not at the time of the filing of the Petition, a citizen or resident of the State of Texas within the meaning of the Acts of Congress governing removal of cases. Defendant is a corporation organized under the laws of the State of Maryland. Defendant's headquarters and principal place of business is located at 1400 Branch Avenue, Marlow Heights, Maryland, 20748.

11. Plaintiff and Defendant are diverse in their citizenship.

**IV. The amount in controversy exceeds seventy-five thousand dollars.**

12. Plaintiff's Petition alleges that it seeks an award of monetary relief in excess of \$200,000 but not more than \$1,000,000. (Ex. A, Petition ¶ 11). The amount in controversy therefore exceeds \$75,000.00, exclusive of interest and costs.

13. As set forth above, the prerequisites for removal under 28 U.S.C. §1441 have been met.

THEREFORE, Defendant respectfully requests that, in accordance with 28 U.S.C. § 1441, the action now pending in the District Court of Dallas County, Texas, be removed to this Court, and that this Court proceed with the case as if it were originally initiated in this Court.

Respectfully submitted,

WALLER LANSDEN DORTCH & DAVIS, LLP

By: /s/ Mark C. Taylor

Mark C. Taylor

State Bar No. 19713225

100 Congress Avenue, Suite 1800

Austin, Texas 78701

Telephone: (512) 685-6400

Telecopier: (512) 685-6417

E-mail: Mark.Taylor@wallerlaw.com

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing **NOTICE OF REMOVAL** has been served upon the following by first-class mail on June 4, 2018:

Jeffrey Goldfarb  
GOLDFARB PLLC  
2501 N. Harwood Street, Suite 1801  
Dallas, Texas 75201

*Attorneys for Plaintiff*

/s/Mark C. Taylor  
Mark C. Taylor

**EXHIBIT A:**  
**NOTICE OF REMOVAL**

**INDEX**

1. Supplemental Civil Cover Sheet - State Court (filed 5/2/18)
2. Docket Sheet
3. Plaintiff Advantix Digital, LLC's Original Petition for Declaratory Judgment (filed 5/2/18)
4. Letter to Clerk requesting the issuance of citation to Defendant (filed 5/2/18)
5. Issue of Citation (filed 5/2/18)
6. Plaintiff's Notice of Filing Return (filed 5/29/18)

CAUSE NUMBER (FOR CLERK USE ONLY): \_\_\_\_\_ COURT (FOR CLERK USE ONLY): \_\_\_\_\_

STYLED Advantix Digital, LLC v. Ourisman Chevrolet Co., Inc.

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

<b>1. Contact information for person completing case information sheet:</b>		<b>Names of parties in case:</b>	<b>Person or entity completing sheet is:</b>
Name:  Jeffrey Goldfarb	Email:  jgoldfarb@goldfarbpllc.com	Plaintiff(s)/Petitioner(s):  Advantix Digital, LLC	<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____
Address:  2501 N. Harwood Street, Suite 1801	Telephone:  (214) 583-2233	Additional Parties in Child Support Case:	
City/State/Zip:  Dallas, Texas 75201	Fax:  (214) 583-2234	Defendant(s)/Respondent(s):  Ourisman Chevrolet Co., Inc.	Custodial Parent:  _____
Signature:  /s/ Jeffrey Goldfarb	State Bar No:  00793820	Non-Custodial Parent:  _____	
Presumed Father:  _____			
[Attach additional page as necessary to list all parties]			

**2. Indicate case type, or identify the most important issue in the case (select only 1):**

<b>Civil</b>			<b>Family Law</b>	
<b>Contract</b>	<b>Injury or Damage</b>	<b>Real Property</b>	<b>Marriage Relationship</b>	<b>Post-judgment Actions (non-Title IV-D)</b>
<b>Debt/Contract</b> <input type="checkbox"/> Consumer/DTPA <input checked="" type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract:  _____	<input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation  <b>Malpractice</b> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability:  <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises  <b>Product Liability</b> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product:  <input type="checkbox"/> Other Injury or Damage: _____	<input type="checkbox"/> Eminent Domain/ Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____	<input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void  <b>Divorce</b> <input type="checkbox"/> With Children <input type="checkbox"/> No Children	<input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other  <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order
<b>Foreclosure</b> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure  <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:  _____				<b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____
<b>Employment</b>	<b>Other Civil</b>			<b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Protective Order <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	<b>Probate &amp; Mental Health</b>			
	<b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings	<input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____	<input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____	

**3. Indicate procedure or remedy, if applicable (may select more than 1):**

<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input checked="" type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover
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**4. Indicate damages sought (do not select if it is a family law case):**

<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000
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## Case Information

DC-18-05763 | Advantix Digital, LLC vs. Ourisman Chevrolet Co., Inc.

Case Number	Court	Judicial Officer
DC-18-05763	95th District Court	MOLBERG, KEN
File Date	Case Type	Case Status
05/02/2018	CNTR CNSMR COM DEBT	OPEN

## Party

PLAINTIFF  
Advantix Digital, LLC

Active Attorneys▼  
Lead Attorney  
GOLDFARB, JEFFREY  
Retained  
  
Work Phone  
214-583-2233  
  
Fax Phone  
214-583-2234

DEFENDANT  
Ourisman Chevrolet Co., Inc.

Address  
1400 branch avenue  
MARLOW HEIGHTS MD 20748

## Events and Hearings

05/02/2018 NEW CASE FILED (OCA) - CIVIL

05/02/2018 ORIGINAL PETITION ▼

<https://courtsportal.dallascounty.org/DALLASPROD/home/wwwspace?mode:p-u>

05/02/2018 CASE FILING COVER SHEET ▾

COVER SHEET

05/02/2018 REQUEST FOR SERVICE ▾

2018-05-02 Ltr to Clerk requesting the issuance of citation to Ourisman (f).pdf

05/02/2018 ISSUE CITATION COMM OF INS OR SOS

05/04/2018 CITATION ISSUED ▾

DC-18-05763SOS.pdf

05/04/2018 CITATION SOS/COI/COH/HAG ▾

Anticipated Server  
**ESERVE**

Anticipated Method

05/09/2018 NOTE - ADMINISTRATOR ▾

Comment  
Set for initial dismissal: July 12, 2018. Notice faxed to counsel.

05/29/2018 MISCELLANEOUS EVENT ▾

2018-05-29 NOF-Ourisman.pdf

Comment  
**PLAINTIFFS' NOTICE OF FILING RETURN**

07/12/2018 DISMISSAL FOR WANT OF PROSECUTION ▾

Judicial Officer  
**MOLBERG, KEN**

Hearing Time  
9:00 AM

## Financial

Advantix Digital, LLC

Total Financial Assessment	\$304.00
Total Payments and Credits	\$304.00
5/2/2018 Transaction	\$292.00
Assessment	

5/2/2018 CREDIT CARD - Receipt # 28286- Advantix (\$292.00)

TEXFILE (DC) 2018-DCLK Digital, LLC

5/3/2018 Transaction \$12.00

Assessment

5/3/2018 CREDIT CARD - Receipt # 28386- Advantix (\$12.00)

TEXFILE (DC) 2018-DCLK Digital, LLC

## Documents

ORIGINAL PETITION

COVER SHEET

2018-05-02 Ltr to Clerk requesting the issuance of citation to Ourisman (f).pdf

DC-18-05763SOS.pdf

2018-05-29 NOF-Ourisman.pdf

Marcus Turner

DC-18-05763

CAUSE NO. \_\_\_\_\_

<b>ADVANTIX DIGITAL, LLC,</b>	§	<b>IN THE DISCTRICT COURT OF</b>
<i>Plaintiff,</i>	§	
	§	
<b>v.</b>	§	
	§	<b>DALLAS COUNTY, TEXAS</b>
<b>OURISMAN CHEVROLET CO.,</b>	§	
<b>INC.,</b>	§	
<i>Defendant.</i>	§	<b>298TH JUDICIAL DISTRICT</b>

**PLAINTIFF ADVANTIX DIGITAL, LLC'S ORIGINAL PETITION FOR  
DECLARATORY JUDGMENT**

Plaintiff Advantix Digital, LLC (“Advantix”) hereby files this Original Petition for Declaratory Judgment, and, in support thereof, would respectfully show the Court the following:

**I. SUMMARY OF ACTION**

1. Advantix and Defendant Ourisman Chevrolet Co., Inc. (“Ourisman”) had a long-standing business relationship in which Advantix provided online advertising and marketing services, including pay-per-click (“PPC”) services with Google, to Ourisman. In order to pay for its PPC spending, Ourisman put its credit card on file with Google so that Ourisman would be charged directly for the PPC spending paid to Google. Ourisman then paid Advantix a management fee for managing Ourisman’s PPC spending.

2. On or about June 15, 2017, Ourisman decided to terminate its relationship with Advantix, and Ourisman and Advantix agreed that the termination date would be June 30, 2017. Ourisman designated a new manager for its online marketing, and Advantix (1) provided her with access to Ourisman’s Google AdWords accounts to which it could provide access, and (2) provided instructions so that she could obtain access to the other accounts to which Advantix could not provide immediate access. Advantix then removed itself from those Google AdWords’ accounts to which it provided access to Ourisman’s new account manager. As a result, Advantix could not

access those accounts any longer. During and after the transition of Ourisman's Google AdWords and other accounts, Ourisman did not ask to have its PPC advertising paused at any point.

3. On or about November 3, 2017, almost five (5) months from the date Advantix's relationship with Ourisman was terminated, Ourisman reached out to Advantix and inquired why Advantix was still running PPC advertising for Ourisman. Advantix had not been actively running PPC advertising for Ourisman—Ourisman had full control of half of its accounts and was the only one with the ability to obtain control of the other half. In addition, Ourisman knew or had reason to know that its credit card was being charged by Google, such that it would have been on notice that ads were running during the preceding five (5) months.

4. Thereafter, Advantix received a demand letter requesting that Advantix repay Ourisman \$151,000 for the allegedly "unauthorized" charges for PPC spending. At this time, Advantix and Ourisman have a justiciable controversy relating to their contractual relationship, and Advantix asks this Court for a declaration of the parties' right and obligations thereunder, as well as its attorney's fees and costs.

## **II. DISCOVERY**

5. Advantix intends to conduct discovery under Level 2 pursuant to Rule 190.3 of the Texas Rules of Civil Procedure.

## **III. PARTIES**

6. Plaintiff Advantix Digital, LLC is a limited liability company organized under the laws of the State of Texas, with its principal office in Dallas County, Texas.

7. Defendant Ourisman Chevrolet Co., Inc. is a non-resident corporation organized under the laws of the State of Maryland, with its principal office in Maryland. The Texas Secretary of State is the agent for service on Ourisman pursuant to section 17.044 of the Civil Practice and

Remedies Code, because Ourisman has conducted business in Texas, Ourisman does not maintain a regular place of business in Texas or a designated agent for service of process in Texas, and this lawsuit arises out of Ourisman's business in Texas. TEX. CIV. PRAC. & REM. CODE § 17.044(b). Ourisman may be served by serving its home office address, located at 1400 Branch Avenue, Marlow Heights, Maryland, 20748, or by serving its Maryland registered agent, Kenneth M. Powers, located at 4400 Branch Avenue, Marlow Heights, Maryland 20748.

#### **IV. JURISDICTION & VENUE**

8. The Court has subject-matter jurisdiction over this case because the amount in controversy exceeds the jurisdictional minimum of this Court.

9. This Court has personal jurisdiction over Ourisman because it has intentionally and deliberately entered into a contract with Advantix, a Texas limited liability company, which contains a Texas choice-of-law and forum-selection clauses, such that Ourisman has submitted to this Court's jurisdiction by contractual agreement.

10. Venue is proper in Dallas County because a substantial amount of the acts and omissions giving rise to the claims occurred in Dallas County, Texas. TEX. CIV. PRAC. & REM. CODE § 15.002(a)(1). In addition, the contract between Advantix and Ourisman expressly states that venue for all disputes relating to that contract would be in Dallas County.

#### **V. CLAIM FOR MONETARY RELIEF**

11. Pursuant to Rule 47(c)(4) of the Texas Rules of Civil Procedure, Advantix seeks an award of monetary relief in excess of \$200,000 but not more than \$1,000,000, as well as equitable relief and all other relief to which Advantix may be prove itself entitled.

**VI. FACTS APPLICABLE TO ALL CAUSES OF ACTION**

12. Advantix Digital, LLC is an online-marketing company that provided search-engine marketing, including pay-per-click advertising, and other online marketing services to its clients. Ourisman has been one of Advantix's clients since at least November 2014.

13. With respect to the search-engine marketing services it provides to Ourisman, Ourisman provided a monthly PPC budget for search-engine marketing to Advantix. Ourisman elected to pay their monthly PPC budget directly to Google using their own credit card, which it kept on file with Google. Advantix then charged Ourisman a separate management fee for Advantix's PPC services to manage its monthly PPC budget.

14. On or about June 15, 2017, Neil Kopit ("Kopit"), Ourisman's Strategic Marketing Director, called Amine Bentahar ("Bentahar"), Advantix's Chief Operating and Digital Officer, and informed Mr. Bentahar that Ourisman had elected to terminate Advantix's marketing services. Subsequently, Mr. Kopit and Mr. Bentahar agreed that Advantix's last day would be June 30, 2017.

15. On or about June 19, 2017, Irene Shtock, an Ourisman employee, contacted Mr. Bentahar to obtain all of the necessary administrative log-in information for Ourisman's Google AdWords accounts and other account information. Mr. Bentahar and Advantix complied with Ms. Shtock's request for five (5) of Ourisman's ten (10) AdWords accounts. For the other five (5) AdWords accounts, Advantix could not provide Ourisman with immediate access—Ms. Shtock had to direct Google to give her access to those accounts. Advantix provided Ms. Shtock with this information and directed her to contact Google directly to resolve the issue. Advantix did not hear until much later that Ms. Shtock was apparently unable to resolve the issue regarding the other five (5) accounts.

16. Mr. Bentahar had another conversation with Ms. Shtock in which she told him that that Ourisman wanted to continue running advertisements on Google AdWords because they had access to the accounts and their new agency would decide what to do with the accounts. Accordingly, Advantix did not pause Ourisman's PPC advertising with Google.

17. On or about July 13, 2017, Ms. Shtock again confirmed that she had access to Google AdWords, and did not state that she could not obtain access to certain accounts. In addition, Ms. Shtock did not state that the PPC advertising should have been paused, and she did not ask Advantix to pause the PPC advertising at that time.

18. As a result of Ourisman's termination of Advantix's services, Advantix revoked its ability to access certain of Ourisman's Google AdWords accounts. Ourisman had full control over those Google AdWords accounts as a result. In addition, Ourisman was the only one with the ability to obtain access to its other AdWords accounts that Advantix could not automatically transfer.

19. On or about November 3, 2017, almost five (5) months after Ourisman terminated Advantix's services, Mr. Kopit called Mr. Bentahar and inquired whether Advantix was still running PPC advertising for Ourisman. Mr. Bentahar told Mr. Kopit that Advantix was not running advertising for Ourisman. However, ads were still being run on Ourisman's behalf, unbeknownst to Advantix. Mr. Kopit asked Mr. Bentahar to help him pause the PPC advertising.

20. Mr. Bentahar contacted Google directly. Google stated that while Ourisman had revoked Advantix's ability to access certain of Ourisman's Google AdWords accounts, it had left Advantix as an "admin owner" on others. Advantix had no ability to correct this error. Ourisman had complete control over their own Google AdWords accounts. Mr. Bentahar communicated this information to Mr. Kopit. Mr. Kopit did not respond.

21. On or about April 6, 2018, Advantix received a demand letter from counsel engaged by Ourisman. The letter demanded that Advantix repay Ourisman for the allegedly “unauthorized” charges that Ourisman apparently incurred on its credit card on file with Google for the PPC advertising, beginning on July 1, 2017, in the alleged amount of \$151,000.

22. Advantix denies that these charges were unauthorized—Advantix was never asked to pause the advertising after Mr. Kopit and Mr. Bentahar agreed to a termination date of June 30, 2017. In addition, Ourisman’s credit card was on file with Google, such that they had notice that these charges were being incurred, and apparently did not stop them. Furthermore, Advantix had no way of stopping the PPC advertising for certain accounts after it revoked its access to Ourisman’s Google AdWords, and did not know that it was still an administrator for the other accounts. At this time, the parties have a justiciable controversy regarding the parties’ legal relations and obligations, and Advantix seeks declaratory relief to resolve this controversy pursuant to TEX. CIV. PRAC. & REM. CODE § 37.004(a).

## **VII. CAUSES OF ACTION**

### **Count I – Suit for Declaratory Relief**

23. Advantix refers to, and incorporates by reference, all of the preceding paragraphs, as if each were set forth in full herein.

24. Advantix and Ourisman have a justiciable dispute about whether Advantix is responsible for the alleged \$151,000 in PPC advertising that Ourisman incurred after July 1, 2017. The dispute concerns the parties’ rights, obligations, and legal relations under the Advertising Insertion Order between Advantix and Ourisman.

25. A judicial declaration by the Court would terminate and resolve this controversy between Advantix and Ourisman.

26. Advantix seeks a declaration that it is not liable to Ourisman for any amount of PPC advertising expense that Ourisman incurred since July 1, 2017.

27. In addition, Advantix is entitled to recover its costs and reasonable and necessary attorney's fees as are equitable and just as set forth in Section 37.009 of the Texas Civil Practice and Remedies Code.

### **VIII. CONDITIONS PRECEDENT**

28. All conditions precedent to Advantix's right to relief have been performed or have occurred.

### **IX. REQUEST FOR DISCLOSURES**

92. Under Rule 194 of the Texas Rules of Civil Procedure, Advantix requests that Ourisman disclose, within 50 days of service of this Request for Disclosures, the information or material described in Rule 194.2.

### **IX. PRAYER FOR RELIEF**

WHEREFORE, PREMISES CONSIDERED, Advantix Digital, LLC hereby respectfully request that the Court enter a final judgment granting her the following relief:

- A judicial declaration that Advantix is not liable to Ourisman for any PPC advertising costs since July 1, 2017;
- An award of Advantix's reasonable and necessary attorney's fees as are equitable and just;
- An award of Advantix's costs of Court; and
- All further relief to which the Court finds Advantix justly entitled.

Dated: May 2, 2018

Respectfully submitted,

By: /s/ Jeffrey Goldfarb  
Jeffrey Goldfarb  
State Bar No. 00793820  
GOLDFARB PLLC  
2501 N. Harwood Street, Suite 1801  
Dallas, Texas 75201  
214.583.2233 (Telephone)  
214.583.2234 (Facsimile)  
jgoldfarb@goldfarbpllc.com

**ATTORNEY FOR ADVANTIX DIGITAL,  
LLC**

1-CIT SOS ES



Marissa Pittman

Jeffrey Goldfarb  
D 214.583.2230  
jgoldfarb@goldfarbpllc.com

May 2, 2018

Via Electronic Filing

Cassandra Walker  
Chief Clerk  
George L. Allen Sr. Courts Building  
600 Commerce Street  
Dallas, Texas 75202

Re: *Advantix Digital, LLC v. Ourisman Chevrolet Co., Inc.*, Cause No. DC-18-05763, in the 298<sup>th</sup> Judicial District of Dallas County, Texas

Dear Ms. Walker:

I write to request the issuance of a citation in the above-referenced matter for the following listed party.

Designation	Name	Address
Defendant	Ourisman Chevrolet Co., Inc.	By and through the Texas Secretary of State: Service of Process Secretary of State P.O. Box 12079 Austin, Texas 78711-2079  Ourisman Chevrolet Co., Inc. 1400 Branch Avenue Marlow Heights, Maryland 20748

Please note that our preference is for the citation to be emailed to: bbohler@goldfarbpllc.com. Thank you for your assistance.

Sincerely,

/s/ Jeffrey Goldfarb

Jeffrey Goldfarb

~~THE STATE OF TEXAS~~

To: OURISMAN CHEVROLET CO., INC.  
BY SERVING THE SECRETARY OF STATE  
OFFICE OF THE SECRETARY OF STATE  
CITATIONS UNIT - P.O. BOX 12079  
AUSTIN, TX, 78711

## GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and, petition, a default judgment may be taken against you.

Your answer should be addressed to the clerk of the **95th District Court**  
at 600 Commerce Street, Dallas, Texas 75202.

Said **PLAINTIFF** being ADVANTIX DIGITAL LLC

Filed in said Court 2nd day of May, 2018 against

**OURISMAN CHEVROLET CO., INC.**

For suit, said suit being numbered **DC-18-05763** the nature of which demand is as follows:

Suit On **CNTR CNSMR COM DEBT** etc.

as shown on said petition **REQUEST FOR DISCLOSURES**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.

Given under my hand and the Seal of said Court at office **on this the 4th day of May, 2018**

ATTEST: FELICIA PITRE

Clerk of the District Courts of Dallas, County, Texas

By /s/ Gay Lane, Deputy  
**GAY LANE**



## CITATION

No.: **DC-18-05763**

**ADVANTIX DIGITAL, LLC**  
VS.  
**OURISMAN CHEVROLET CO., INC.**

ISSUED  
**ON THIS THE 4TH DAY OF MAY, 2018**

FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas

By **GAY LANE**, Deputy

Attorney for : Plaintiff  
**JEFFREY GOLDFARB**  
**GOLDFARB LLP**  
**2501 N HARWOOD**  
**SUITE 1801**  
**DALLAS TX 75201**  
**214-583-2233**

**DALLAS COUNTY**  
**SERVICE FEES**  
**NOT PAID**

**OFFICER'S RETURN  
FOR INDIVIDUALS**

Cause No. DC-18-05763

Court No: 95th District Court

Style: Advantix Digital, LLC  
vs.  
Ourisman Chevrolet Co., Inc.

Received this Citation the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock. Executed at \_\_\_\_\_, within the County of \_\_\_\_\_, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, by delivering to the within named \_\_\_\_\_ each in person, a copy of this Citation together with the accompanying copy of Plaintiff's original petition, having first indorsed on same the date of delivery.

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**OFFICER'S RETURN  
FOR CORPORATIONS**

Received this Citation the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_M. Executed at \_\_\_\_\_, within the County of \_\_\_\_\_, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M. by summoning the within named Corporation, \_\_\_\_\_ by delivering to \_\_\_\_\_ President - Vice President - Registered Agent - in person, of the said

-----000000-----  
a true copy of this citation together with the accompanying copy of Plaintiff's original petition, having first indorsed on same the date of delivery.

The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness by my hand.

For Serving Citation	\$ _____	Sheriff _____
For Mileage	\$ _____	County of _____
For Notary	\$ _____	State of _____
Total Fees	\$ _____	By _____

(Must be verified if served outside the State of Texas)

State of \_\_\_\_\_  
County of \_\_\_\_\_

Signed and sworn to me by the said \_\_\_\_\_ before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_, to certify which witness my hand and seal of office.

Seal

State & County of \_\_\_\_\_

**CAUSE NO. DC-18-05763**

**ADVANTIX DIGITAL, LLC,**  
*Plaintiff,*

v.

**OURISMAN CHEVROLET CO., INC.,**  
*Defendant.*

**IN THE DISTRICT COURT OF**  
§  
§  
§  
§  
§  
**DALLAS COUNTY, TEXAS**  
§  
§  
§  
**95TH**  
§  
**298<sup>TH</sup> JUDICIAL DISTRICT**

**PLAINTIFFS' NOTICE OF FILING RETURN**

Plaintiff Advantix Digital, LLC hereby files the Return of Service on Defendant Ourisman Chevrolet Co., Inc., attached hereto as Exhibit A.

Dated May 29, 2018

Respectfully submitted,

By: /s/ Jeffrey Goldfarb

Jeffrey Goldfarb  
State Bar No. 00793820  
GOLDFARB PLLC  
Saint Ann Court  
2501 N. Harwood Street, Suite 1801  
Dallas, TX 75201  
214.583.2233 (Telephone)  
214.583.2234 (Facsimile)  
jgoldfarb@goldfarbpllc.com

**ATTORNEYS FOR PLAINTIFFS ADVANTIX  
DIGITAL, LLC**

Exhibit A



The State of Texas  
Secretary of State

2018-291987-1

I, the undersigned, as Secretary of State of Texas DO HEREBY CERTIFY that according to the records of this office, a copy of the Citation and Plaintiff's Original Petition for Declaratory Judgment in the cause styled:

Advantix Digital, LLC VS Ourisman Chevrolet Co., Inc.  
95th Judicial District Court Of Dallas County, Texas  
Cause No: DC1805763

was received by this office on May 11, 2018, and that a copy was forwarded on May 15, 2018, by CERTIFIED MAIL, return receipt requested to:

Ourisman Chevrolet Co., Inc.  
1400 Branch Avenue  
Marlow Heights, MD 20748

The RETURN RECEIPT was received in this office dated May 18, 2018, bearing signature.



Date issued: May 21, 2018

A handwritten signature in black ink, appearing to read "R B P".

Rolando B. Pablos  
Secretary of State

GF/vm

The State of Texas



Service of Process  
P.O. Box 12079  
Austin, Texas 78711-2079

Phone: 512-463-5560  
Fax: 512-463-0873  
TTY (800) 735-2989  
[www.sos.state.tx.us](http://www.sos.state.tx.us)

Secretary of State

May 21, 2018

Jeffrey Goldfarb  
Goldfarb PLLC  
Saint Ann Court  
2501 N. Harwood Street, Suite 1801  
Dallas, TX 75201

2018-291987

Include reference number in  
all correspondence

RE: Advantix Digital, LLC VS Ourisman Chevrolet Co., Inc.  
95th Judicial District Court Of Dallas County, Texas  
Cause No: DC1805763

Dear Sir/Madam:

Please find enclosed your Certificate(s) of Service for the case styled above.

If this office may be of further assistance to you, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink that appears to read "Michael Orta".

Michael Orta  
Service of Process

Enclosure

## **EXHIBIT B**

**CAUSE NO. DC-18-05763**

**ADVANTIX DIGITAL, LLC,** §                   **IN THE DISTRICT COURT OF**  
§  
**Plaintiff,** §  
§  
v. §  
§  
**OURISMAN CHEVROLET CO., INC.,** §                   **DALLAS COUNTY, TEXAS**  
§  
**Defendant.** §                   **95<sup>th</sup> JUDICIAL DISTRICT**

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**DEFENDANT OURISMAN CHEVROLET CO., INC.'S  
NOTICE OF FILING NOTICE OF REMOVAL**

---

Please take notice that on June 4, 2018, Defendant in the above-captioned action removed this action to the United States District Court for the Northern District of Texas, by filing a Notice of Removal in that Court. A copy of the Notice of Removal is attached as **Exhibit 1**. Accordingly, and under 28 U.S.C. § 1446(d), this Court may proceed no further unless and until the case is remanded.

Respectfully submitted,

WALLER LANSDEN DORTCH & DAVIS, LLP

By: /s/ Mark C. Taylor

Mark C. Taylor

State Bar No. 19713225

100 Congress Avenue, Suite 1800

Austin, Texas 78701

Telephone: (512) 685-6400

Telecopier: (512) 685-6417

E-mail: Mark.Taylor@wallerlaw.com

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing **Notice of Filing Notice of Removal** has been served upon the following by first-class mail on June 4, 2018:

Jeffrey Goldfarb  
GOLDFARB PLLC  
2501 N. Harwood Street, Suite 1801  
Dallas, Texas 75201

*Attorneys for Plaintiff*

/s/ Mark C. Taylor  
Mark C. Taylor

## **EXHIBIT C**

waller

Waller Lansden Dortch & Davis, LLP

100 Congress Avenue  
Suite 1800  
Austin, TX 78701

512.685.6400 main  
512.685.6417 fax  
wallerlaw.com

Mark C. Taylor  
512.685.6404 direct  
Mark.taylor@wallerlaw.com

June 4, 2018

Jeffrey Goldfarb  
Goldfarb PLLC  
2501 N. Harwood Street, Suite 1801  
Dallas, Texas 75201

Re: Advantik Digital, LLC v. Ourisman Chevrolet Co., Inc., Cause No. DC-18-05763

Dear Mr. Goldfarb:

Please take notice that on June 4, 2018, Defendant in the above-captioned action removed this action to the United States District Court for the Northern District of Texas, by filing a Notice of Removal in that Court, a copy of which is attached.

Very truly yours,



Mark C. Taylor

MCT/tg

Enclosure